

Montana Secretary of State Linda McCulloch  
State Senate Administration Hearing  
April 2, 2013  
**SB 408 – Technical Issues:**

*Note: some of the technical issues we raised in House Bill 436 were addressed in Senate Bill 408. The following technical issues were not addressed:*

- 1) **Section 20, page 17, line 27** refers to two individuals receiving the most votes advancing, but what if the office allows a vote for 2 (or more) candidates, as can happen in certain situations? Also, it does not specify how would this apply to Governor/Lt. Governor teams.
- 2) **Section 22, page 19, lines 6-10** allows, a wide breadth of options for listing party preference, including not restricting to an established party. Although it would direct the SOS office to adopt rules, it would leave the office without clear guidelines – could a person list “Shop at Wayne Miller Coins” as their party preference, as long as it fit the character limit? What about trademark issues? Email addresses/websites? Would this quickly become a free speech issue? This can have a huge impact on the ballot, depending on what type of party preference people might come up with.
- 3) **Section 30, page 25, line 16 and 21** introduce the idea of a person being “associated with” a party. If a person is “associated with” a party, does that mean that the person can choose not to list party preference? How is “associated with” defined? We think “associated with” means that a person **chooses a party that is not an established party (see 3 above)**. Associated with should be defined.
- 4) **Section 53, page 40, line 22-27** allows *nonpartisan candidates* to advance to the general election 1) if the local nonpartisan primary is not held or 2) if there are only 2 candidates for offices. This is in contrast to the *partisan offices*, for which the **general election** is more likely to be cancelled. Especially in counties with all nonpartisan county offices, this could make a general election ballot nonpartisan-heavy and reduce interest in the general election.

**Partisan Offices Follow in sequence  
President first - PCT Officers last before any questions**

A	PRECINCT 1	B	C
<p>Select your desired party for which you will be voting candidates in the "President" and "Precinct Officer" races. Once selected, you should only vote for candidates in that specific party contest.</p>		<p><b>FOR US REPRESENTATIVE IN CONGRESS DISTRICT 5 (VOTE FOR NOT MORE THAN ONE)</b></p> <p><input type="radio"/> REP CANDIDATE 1 REP</p> <p><input type="radio"/> DEM CANDIDATE 1 DEM</p> <p><input type="radio"/> REP CANDIDATE 2 REP</p> <p><input type="radio"/> DEM CANDIDATE 2 DEM</p>	
<p><b>PARTY PREFERENCE</b></p> <p><input type="radio"/> REPUBLICAN</p> <p><input type="radio"/> DEMOCRATIC</p>		<p><b>Party Preference Section</b></p> <p>Your Party Preference selection applies again to the following contests. You should vote only the the Party contest you indicated in the Party Preference area.</p>	
<p><b>Republican Race</b></p>		<p><b>Republican Race</b></p>	
<p><b>FOR PRESIDENT (VOTE FOR NOT MORE THAN ONE)</b></p> <p><input type="radio"/> REP CANDIDATE 1 REPUBLICAN</p> <p><input type="radio"/> REP CANDIDATE 2 REPUBLICAN</p>		<p><b>PRECINCT OFFICER (VOTE FOR NOT MORE THAN ONE)</b></p> <p><input type="radio"/> REP CANDIDATE 1 REPUBLICAN</p> <p><input type="radio"/> REP CANDIDATE 2 REPUBLICAN</p> <p><input type="radio"/> Write-in</p>	
<p><b>Democratic Race</b></p>		<p><b>Democratic Race</b></p>	
<p><b>FOR PRESIDENT (VOTE FOR NOT MORE THAN ONE)</b></p> <p><input type="radio"/> DEM CANDIDATE 1 DEMOCRATIC</p> <p><input type="radio"/> DEM CANDIDATE 2 DEMOCRATIC</p>		<p><b>PRECINCT OFFICER (VOTE FOR NOT MORE THAN ONE)</b></p> <p><input type="radio"/> DEM CANDIDATE 1 DEMOCRATIC</p> <p><input type="radio"/> DEM CANDIDATE 2 DEMOCRATIC</p> <p><input type="radio"/> Write-in</p>	
<p><b>"Top 2" Contest Section</b></p> <p>The following contests are not impacted by your selection in "Party Preference". You may select candidates from any Party.</p>			
<p><b>FOR US SENATOR (VOTE FOR NOT MORE THAN ONE)</b></p> <p><input type="radio"/> REP CANDIDATE 1 REP</p> <p><input type="radio"/> DEM CANDIDATE 1 DEM</p> <p><input type="radio"/> REP CANDIDATE 2 REP</p> <p><input type="radio"/> DEM CANDIDATE 2 DEM</p>			